

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 347 of 1997

With

CIVIL REVISION APPLICATION No. 348 of 1997

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CIVIL REVISION APPLICATION No. 350 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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STATE OF GUJARAT

Versus

UDAYAN GORDHANBHAI PATEL  
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Appearance:

Ms. Hansa Punani, ASSTT. GOVERNMENT PLEADER  
for the Petitioners.  
MR KG SUKHWANI for the Respondent.  
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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 10/10/2000

ORAL COMMON JUDGEMENT

These three Revision Applications involve a common issue for decision and hence they are being disposed of by this common judgment. These Revision Applications have been filed against awards dated 19.4.1996 and 10.5.1996 and 10.5.96 respectively in Transferred Arbitration Reference nos. 5,6 and 7 passed by the Gujarat Public Works Contracts Disputes Arbitration Tribunal, Ahmedabad. The suit proceedings were pending wherein an arbitrator was appointed by the court under section 20 of the Arbitration Act, 1940. During the pendency of the matter before arbitrator, the new Act being Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992 (hereinafter referred to as the Act) came into force with effect from 1.1.1994. Hence, the matter was referred to the Tribunal constituted under the aforesaid Act. The Tribunal, after considering the material on record, gave the impugned awards in different References as stated above, against those awards these Civil Revision Applications have been filed on the ground that the Tribunal has no jurisdiction to entertain and hear the matter referred to it by the Arbitrator.

2. The Reference Applications were admitted in this Court. Heard the learned advocate for the parties. It is pointed out by the learned advocates for the parties that the question regarding jurisdiction of the Tribunal was raised in Civil Revision Application no. 1286 of 1996 and this Court has decided the same by a decision dated 4.4.98 wherein it has been observed that section 21 provides that all arbitration proceedings in relation to such disputes pending before an arbitrator, umpire, court or authority shall stand transferred to the Tribunal. Section 8 provides for adjudication of all the disputes relating to the works contracts by the Arbitration Act of 1992. Section 21 provides for transfer of all the arbitration proceedings pending as on 1.1.1994. Admittedly, in the present case, the proceedings were pending before the arbitrator and those proceedings were transferred under section 21 of the Act to the Arbitration Tribunal and the Tribunal having jurisdiction decided the same and made awards as stated above. As such, the Tribunal had jurisdiction to adjudicate the disputes which were pending before the Arbitrator. It is not in dispute that the total awards were made in favour of the respondents. However, the parties concentrated only on the aspect of the interest

on the award from different dates. As the Tribunal has considered the dispute from each angle, this Court does not think it proper to reconsider the matter and the order passed by the Tribunal does not appear to be erroneous, illegal or unjustified from any aspect. Hence, these Revision Applications deserve to be dismissed. Accordingly, they are dismissed. Rule is discharged.

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